

**PATENT**

Atty Docket No. 55280

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UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Andrews, et al.

Serial No.: 09/916,465

Filed: July 26, 2001

For: Method and Kit for Typing Feline
Blood

Group No.: 1641

Examiner: Gabel, G.

Confirmation No. 8758

Box Responses - Fee
Assistant Commissioner for Patents
Washington, DC 20231

DECLARATION UNDER 37 C.F.R. §1.131

I, Gordon A. Andrews, hereby declare:

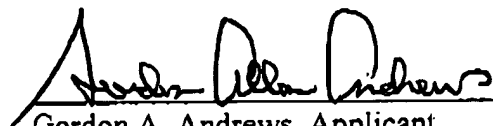
1. That I, along with Joseph E. Smith, now deceased, are the co-inventors of the above-referenced patent application.
2. That on or about April 26, 1999 in our laboratory at Kansas State University we mixed the monoclonal antibody (MoAb) 4E10 and the monoclonal antibody (MoAb) 13G3 which are used for detecting feline blood type A to determine their effectiveness when mixed together. (See Exhibit A.)
3. That the mixing together of MoAbs 4E10 diluted to 142 micrograms/milliliter and 13G3 diluted to 10.5 micrograms/milliliter is indicated in my assistant Sue Chavey's laboratory notebook on page number 114 dated April, 26, 1999. (See Exhibit A).
4. That the mixing was performed on blood typing cards and the mixture was tested on a total of 6 feline blood samples, five feline type A blood samples and one feline type B blood sample. (See Exhibit A).

TRADEMARK
Atty Docket No. 53178

5. That on or about May 3, 2000 the Moabs 13G3 and 4E10 were mixed on blood typing cards for use in typing cats. (See Exhibit B)
6. That page 43 of my assistant, Sue Chavey's laboratory notebook, dated February 22, 2001 notes that lyophilized cards with a mixture of 4E10 and 13G3 Moabs for the anti A and wheat germ lectin for the anti B were made on May 15, 2000 and tested on February 22, 2001 with whole blood from three cats, A cat, B cat and AB cat. It was noted that the cards still worked after 9 months of storage at refrigerator temperature of 4°C. (See Exhibit C).
7. That based on these results, the date of invention for the claimed invention is prior to the May, 2001 publication of Green et al. at the AVHTM meeting.

I hereby declare that all statements made herein of my own knowledge are true and that statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: 4-30-03


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